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Amendments to the Drawings:

The attached drawing sheets include revised Figs. 1 and 2. These sheets replace the original drawing sheets (1/5 and 2/5).

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REMARKS/ARGUMENTS

This is in response to the Office Action issued on September 28, 2005 with claims 1-22 pending in the Application. By this amendment, claims 1, 13, 14, 15, 17, and 18 have been amended. No new matter has been added. Claims 1-22 remain in consideration.

Drawing Objections

The drawings were objected to because it was stated that Figs. 1 and 2 should be properly labeled as "Prior Art". New drawing sheets are submitted herein, addressing the reasons for the objection. No new matter has been added by the corrected drawing sheets.

Claim Rejections 35 U.S.C. §103

Claims 1-12, 14, 17, and 20-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art of Fig. 1 in view of *Kato*, et al (USP 5,548,601). It was stated with regard to claim 1 that Fig. 1 of the admitted prior art teaches a brake control system, but lacks a monitoring controller operatively connected to a controller bus and adapted to monitor the performance of a first supervisory controller, a secondary supervisory controller, a first brake control bus, and a second brake control bus. It was asserted that *Kato*, et al. teach the concept of a monitoring controller 80, 85 which is operatively connected to said controller bus Td1, Td2, and adapted to monitor the performance of said first supervisory controller CPU1, said secondary supervisory controller CPU2, said first brake control bus Td1, and said second brake control bus Td2, to improve the ability of to detect fault in a brake system to provide more reliable control to the brake system. It was stated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the disclosed prior art of Fig. 1 to include a monitoring controller such as taught by *Kato*, et al. in order to improve the ability to detect fault in a brake system to provide more reliable control to the brake system.

As the examiner is well aware, for a rejection based upon 35 U.S.C. §103(a) to

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prevail, the examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e. that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combine references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 USPQ2d 494, 496 (CCPA 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 USPQ2d 1016, 1023 (Fed. Cir. 1996).

Claims 1, 14 and 17 have been amended to more particularly point out and distinctly claim the patentable subject matter of the invention. Newly amended claim 1 sets forth a brake control system, comprising, *inter alia*, a first supervisory controller, a second supervisory controller, and a monitoring controller which is operatively connected to said controller bus and adapted to monitor the performance of said first supervisory controller, said second supervisory controller, said first brake control bus, and said second brake control bus. The first and second supervisory controllers and the monitoring controller are each signally connected to a brake actuation module.

Applicant respectfully argues that the instant invention of newly amended claim 1 is patentably distinguishable from *Kato*, et al. and the referenced prior art because all elements of the invention are NOT disclosed in the prior art, as required under 35 U.S.C. §102 and §103(a). Specifically, neither reference teaches nor describes first and second supervisory controllers and the monitoring controller each signally connected to a brake actuation module. Therefore newly amended claim 1 is allowable over the prior art cited thereagainst.

Applicant further traverses any rejection of newly amended claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Kato*, et al. because the examiner has failed to meet the burden of establishing a *prima facie* case of obviousness. Specifically, applicant argues that

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all elements of the instant invention are NOT disclosed in the prior art, in that the elements described in *Kato*, et al. as Td1, Td2 do not comprise a controller bus as described in the instant invention. The controller bus 146, as described in paragraph 0020 in the instant invention, comprises a data communication bus, having associated communication protocols and communication interfaces which permit bi-directional communications between devices, as are commonly used in vehicular applications. In contradistinction to the instant invention, *Kato*, et al. neither teach nor describe the elements Td1, Td2 as being bi-directional communications devices. Therefore, claim 1 is further distinguishable from the prior art cited thereagainst.

Claims 14 and 17 are patentably distinguishable from the prior art for the same reasons as set forth with regard to claim 1 and are therefore allowable.

Claims 1-12 and 20-22 all depend from one of independent claims 1, 14, or 17, and claim additional limitations thereto, and are therefore allowable.

Claims 13, 15, 16, 18, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over the admitted prior art of Fig. 1 in view of *Kato*, et al., and further in view of *Weiberle*, et al. US 2003/0006726 A1.

Claims 13, 15, and 18 have been amended to address inconsistencies with newly amended claims 1, 14, and 17, respectively.

Claims 13, 15, 16, 18, and 19 all depend from one of now allowable independent claims 1, 14, or 17, and claim additional limitations thereto, and are therefore allowable.

Therefore, applicant respectfully requests that any rejection of claims 1 – 22 based upon the Prior Art in view of *Kato*, et al. or based upon the Prior Art in view of *Kato*, et al., and further in view of *Weiberle*, et al. be withdrawn.

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Conclusion

Based upon all of the above, it is respectfully submitted that pending claims 1-22 are in condition for allowance and that same be allowed to proceed to issue. If the Examiner has any questions regarding the contents of the present response, Applicants' attorney may be contacted at the phone number appearing below during normal business hours.

Respectfully submitted,


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